

ZB# 92-19

Joseph Pilliteri

25-4-3

Re: Prelim.

June 22, 1992.

Need:

- ① Copy of Receipt
- ② " Title Report
- ③ Photos.

App. furnished -

Motion to Schem.

(copy not included)

Public Hearing:

July 13, 1992.

(Fees paid)

Area Variances

Granted -

Do FID.
Draft done 7/27

• MADE IN U.S.A. • NO. 753 1/3 •

Oxford®
✠ ESELTE

Attys Time:

Refund \$16.00

Sent 8/17/92.4

#92-19. Pillitteri, Joseph
(Area)





TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12774

Received of Margaret Starnes

July 21, 1992

\$ 50⁰⁰/₁₀₀

Fifty and 00/100

DOLLARS

For Variance fee (#92-19)

DISTRIBUTION:

FUND	CODE	AMOUNT
check # 152		\$50 ⁰⁰ / ₁₀₀

By Pauline S. Townsend

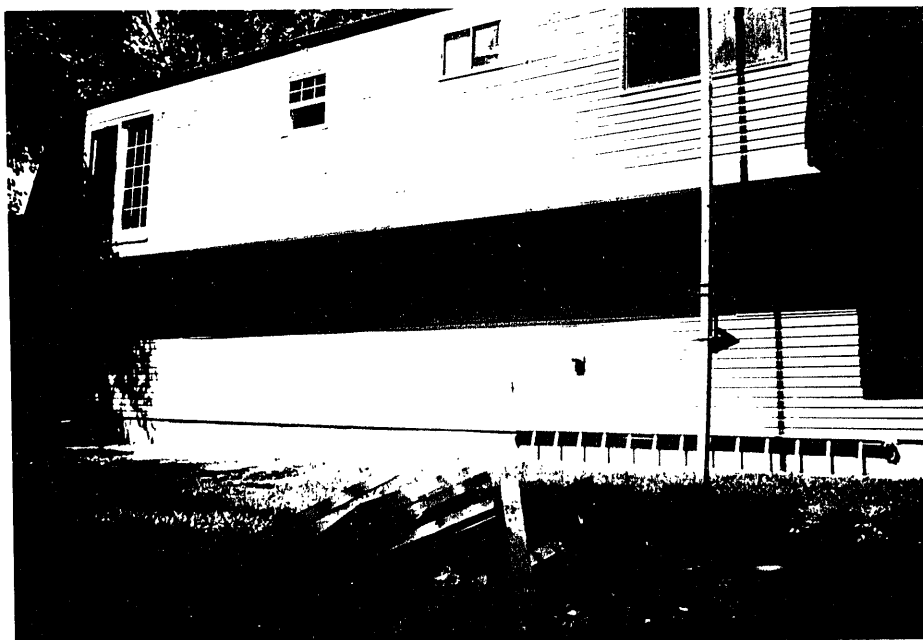
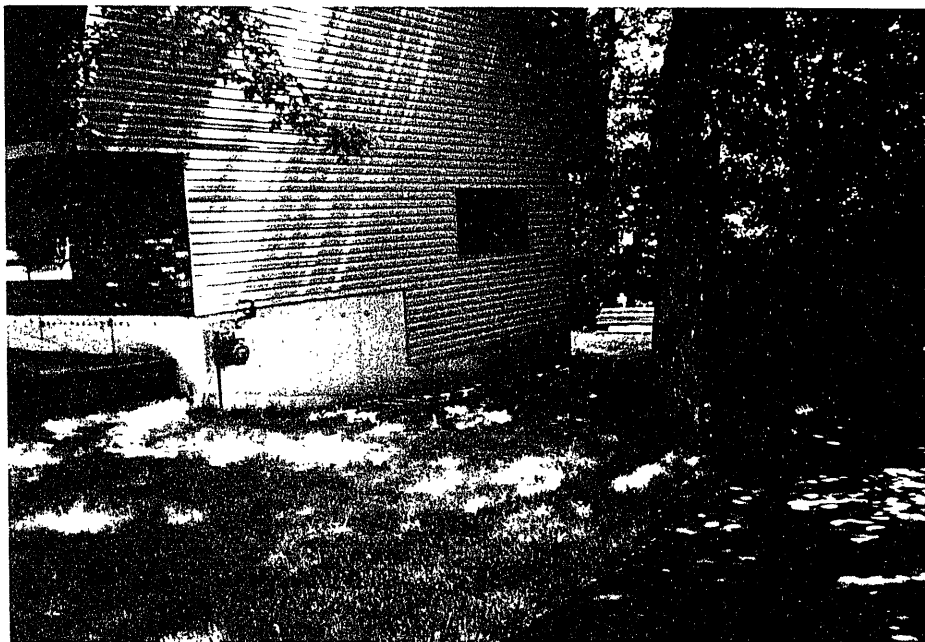
Town Clerk

Title

CO# 241 Rosmarino, Angelo

54.00
 180.00
 234.00

250.00
 234.
 16.-



#92-19 - Pillitteri

MARYANN DRENNEN

22 ONA LN.
NEW WINDSOR, NY 12553

152

75-148/919
939

June 30 19 92

PAY TO THE
ORDER OF

Town of New Windsor \$ 50.00
Fifty and 00/100 DOLLARS

To:



HUDSON HERITAGE FEDERAL CREDIT UNION 2219

Newburgh, New York 12550

PAYABLE THROUGH COMMUNITY NATIONAL BANK
NORTHFIELD, MN

FOR

92-19

Maryann Drennen

⑆091901480⑆9390094580043⑆ 0152

MARYANN DRENNEN

22 ONA LN.
NEW WINDSOR, NY 12553

153

75-148/919
939

June 30 19 92

PAY TO THE
ORDER OF

Town of New Windsor \$ 250.00
Two hundred fifty and 00/100 DOLLARS

To:



HUDSON HERITAGE FEDERAL CREDIT UNION 2219

Newburgh, New York 12550

PAYABLE THROUGH COMMUNITY NATIONAL BANK
NORTHFIELD, MN

FOR

92-19

Maryann Drennen

⑆091901480⑆9390094580043⑆ 0153

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Pillitteri, Joseph.

FILE # 92-19

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 *pd.*

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 *pd.*

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 8/22/92 - 6 pages \$ 27.00
 2ND PRELIM. MEETING - PER PAGE \$
 3RD PRELIM. MEETING - PER PAGE \$
 PUBLIC HEARING - PER PAGE 2/13/92 - 6 pages \$ 27.00
 TOTAL \$ 54.00

ATTORNEY'S FEES:

PRELIM. MEETING- .1 HRS. \$
~~2ND PRELIM. MEETING~~ .1 HRS. \$
 3RD PRELIM. HRS. \$
 FORMAL DECISION 1.0 HRS. \$
 TOTAL HRS. 1.2 @ \$ 150 PER HR. \$ 180.00
 TOTAL \$ 180.00

MISC. CHARGES:

_____. \$
 TOTAL \$ 234.00

LESS ESCROW DEPOSIT . . . \$ 250.00
 (ADDL. CHARGES DUE) . . . \$
 REFUND TO APPLICANT DUE . \$ 16.00 *Refund.*

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCE

MARY ANN DRENNEN and JOHN DRENNEN,

#92-19.

-----X

WHEREAS, MARY ANN DRENNEN and JOHN DRENNEN, 22 Ona Lane, New Windsor, N.Y. 12553, have made application before the Zoning Board of Appeals for a 1.1 ft. side yard variance for an existing residential dwelling and a 12 ft. rear yard variance in order to construct a deck at 104 Glendale Drive in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of July, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant, MARY ANN DRENNEN appeared in behalf of herself and JOHN DRENNEN and spoke in support of the application. Also appearing and speaking in support of the application was JOSEPH PILLITERI; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations with regard to side yard and rear yard in order to construct a deck to the rear of the applicant's residential dwelling in an R-4 zone.

3. The evidence presented by the applicant indicated that when applicant purchased the residential dwelling at a foreclosure sale there was a pre-existing deck which was 24 ft. wide and extended 24 ft. out to the rear of the residential dwelling. The applicant found that said pre-existing deck was not built correctly and extended into the required rear yard. At that time applicant spoke with the Building Inspector, he advised her to remove the deck because it was too close to the property line. Applicant complied with the request but would like to construct a smaller deck at this time which is still 24 ft. but will extend only 16 ft. out from the rear of the dwelling and thus will require a 12 ft. rear yard variance.

4. The evidence presented by applicant substantiated the

fact that a variance for less than the allowable rear yard and side yard would be required in order for applicant to construct a deck and to maintain the existing residential dwelling which otherwise would conform to the bulk regulations in the R-4 zone.

5. It appeared from the evidence presented on behalf of the applicant that the house was constructed in 1974. The applicant purchased the property in 1992 and decided to remove the over-sized deck before the closing took place in order to comply with the requirements for rear yard. Also, applicant was informed at the preliminary meeting before the Board that the house appeared to be in violation of the required side yard. Apparently the house was granted a Certificate of Occupancy in 1974 despite the fact that the side yard provided was only 13.9 ft. The side yard requirement at the time was 15 ft. minimum, the same as the present required minimum side yard. Apparently the builder believed that the Planning Board had allowed 10 ft. minimum side yards and constructed the house to meet this standard.

6. The evidence submitted by the applicant further indicated that many of the neighboring properties have decks on lots of similar size.

7. The evidence presented by applicant substantiated the fact that applicant has already suffered monetary loss because she had to expend the money to remove the existing deck which, before purchasing the house, applicant thought was in compliance with the rear yard requirements, just as she thought the side yard was in compliance.

8. It is the finding of this Board, from the evidence submitted by the applicant, that the applicant would suffer significant economic injury from the strict application of the bulk regulations because at the time of purchase of the property, applicant believed that the house and the then-existing deck complied with the applicable bulk regulations. The applicant paid a valuable consideration in purchasing the property under this assumption. Thereafter, finding that the deck did not comply, the applicant expended money to remove it and comply with the rear yard requirement. The applicant now seeks to replace said deck with a smaller deck which will require a 12 ft. rear yard variance. The evidence presented by the applicant indicated that a 16 ft. wide deck is necessary in order to create a useful size deck which has adequate room to walk around lawn chairs and a picnic table. In addition, the applicant now seeks to rectify the problem with inadequate side yard which was created when the house was first constructed.

9. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling her to the requested area variances.

10. The requested variances will not produce an undersirable change in the character of the neighborhood or create a detriment to nearby properties.

11. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

12. The requested variances are not substantial in relation to the bulk regulations for side yard and rear yard.

13. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

14. The difficulty the applicant faces in conforming to the bulk regulations is not self-created.

15. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

16. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

18. The interests of justice will be served by allowing the granting of the requested area variances.

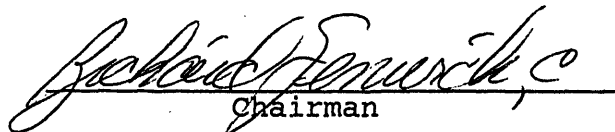
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 1.1 ft. side yard variance for an existing residential dwelling and a 12 ft. rear yard variance sought by applicant in order to construct a deck in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: August 10, 1992.


Chairman

(ZBA DISK#6-1000000.txt)

Date 7/24/92, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Roth 389 mores Hill Rd DR.
New Windsor Ny 12550

DATE			CLAIMED	ALLOWED
7/17/92		Zoning Board	75 00	
		Misc -		
		Grubel - 6 - 27.00		
		De Couto - 8 - 36.00		
		Betts - 4 - 18.00.		
		DiGisco - 5 22.50.		
		Dreunen - 6 27.00		
		Sorbello - 6 27.00.		
			237 00	

July 13, 1992

25

PUBLIC HEARING: DRENNEN, MARY ANN

MR. FENWICK: This is a request for 1.1 foot side yard for residential dwelling and 12 foot rear yard variance for deck at existing location 104 Glendale Drive in an R-4 zone.

Joseph Pilliteri and Mary Ann Drennen came before the Board representing this proposal.

MR. LUCIA: Why are the names changed?

MS. DRENNEN: The house is in my name, Pat told me to put it in my name, I don't know why.

MR. PILLITERI: I believe she turned everything else in and something was faxed to the office.

MR. LUCIA: Deed shows title in Mary Ann Drennen and Jack Drennen.

MR. PILLITERI: I am the finance.

MR. LUCIA: Thank you for providing me a copy of the deed. Do you have a title policy on this?

MR. PILLITERI: Yes, we do.

MS. DRENNEN: My lawyer said he was going to try and find it and fax whatever he had here, he was having trouble finding it. Pat said there shouldn't be too much of a problem.

MR. LUCIA: Just so we can keep it moving, I assume this property has as does many others, is subject to certain grants, covenants, restrictions and easements and other matters of record. Is there anything to your knowledge which would prevent you from maintaining the structure you're seeking approval from this Board to put on this property if a variance is granted?

MR. PILLITERI: No. I have title insurance, is that what you're looking for?

MR. LUCIA: That is part of it. It would probably be about a six-page document.

MR. PILLITERI: This is the cover page that's what was sent to us, they are still looking for the rest.

MR. LUCIA: Thank you.

MR. PILLITERI: I also was asked to bring something to explain how the deck was going to be built, what it would look like and I drew this myself so it's pretty self-explanatory, tell you what I'm going to make the deck of and sizes and dimensions.

MR. FENWICK: Did you say there was a deck there before that you took down?

MR. PILLITERI: Yes, there was. I also got my dimensions and stuff for the lumber from Heights Lumber Company, they gave me a chart to base the spans and stuff on.

MR. LUCIA: Just for the record, I know this repeats, would you explain why it is you took the deck down and why it is you establish these dimensions for the deck you're planning to put?

MR. PILLITERI: The reason why I took the deck down was to buy the house and for us to get the C.O. on the house, the deck was definitely built wrong, we didn't have enough time to apply for variances at that time to save the deck that was there. It was built wrong anyway. The reason why we want to add it back on is that we believe that the house lost value once the deck was taken off and when we initially went to buy the house, we had pictured it with the deck on, the deck that I'm trying to build is I feel is of a legitimate size, it's not too big, it's not too small and it would be able to put some patio furniture and table on there and sit maybe 10 people comfortably.

MR. LUCIA: What is the proposed size of your deck?

MR. PILLITERI: It's 24 feet long, it runs the back of the house but it's 24 feet wide at the widest part and 16 feet out from the house and the other part is just a walkway to go from the master bedroom up into the deck area.

MR. LUCIA: How did that relate to the size of the prior deck?

MR. PILLITERI: It's actually smaller, the other deck was 24 by 24. As far as the side variance, that wasn't brought to my attention until I came to this Planning Board which I'd like to rectify.

MR. NUGENT: Mary Ann, this house was repossessed, right?

MS. DRENNEN: Yes.

MR. NUGENT: That is why they had problems getting documentation.

MR. FENWICK: Can I see the drawing again?

MR. PILLITERI: Sure, that is just larger version of what I sent.

MR. FENWICK: You mentioned something about a side yard variance, where does that come into play?

MR. PILLITERI: Right here, you see where it says this here is 13 foot 9, now according to what I found out when this house was built, New Windsor variance was 10 feet that is why the house was given a C.O. when the house was built but now the law has changed, we're just trying to rectify it so it will pass today's codes because the accessory structure would be 10 feet but the house should have been 15 when it was built. What they told me what this guy who built the house, the original Glendale Construction when they built it, they got a C.O. on it for 10 feet that I guess they went 13 foot 6.

MR. BABCOCK: That is --

MR. FENWICK: The only reason why I'm wondering about that is because these are all substantial lots, I think the biggest lot is 12,500, this is 100 by 100.

MR. BABCOCK: Well, if the town, if they made a cluster zone and made a smaller lot and a smaller required setback, there should have been something in the ordinance that referred to that like Butterhill. In this area --

MR. NUGENT: I don't believe that was a cluster.

MR. FENWICK: How did they get the approval on all these, they are all substandard lots. I don't know if there is a 15,000 square foot lot in this whole development.

MR. PILLITERI: From driving around through the development, that's not the only house built like that, there's probably five or six beside me that are all like that.

MR. BABCOCK: The simple matter of it is since you're here for the deck already -- I'm not sure if I can even find the paper work from back then to verify that but I'd like to know.

MR. FENWICK: Should be some kind of Planning Board, it's like this, it's the same width, those are all 100 by 100.

MR. PILLITERI: Woodwind is the same developer as Glendale Construction.

MR. FENWICK: They are all 100 by 100, if I remember when we had looked at Woodwind, you pay extra for 100 by 125.

MR. BABCOCK: They were all developed with green areas too.

MR. LUCIA: Regardless of how it got to be that way --

MR. FENWICK: That's what I was trying to understand, I heard you say something about a walk from one part to another, I thought you were talking about down the side.

MR. PILLITERI: No.

MR. BABCOCK: When you submit the plans to Frank, submit a copy of the span sheet.

MR. PILLITERI: Sure, it's not even going to be close to the span sheet, it's going to be only 8 foot spans.

MR. FENWICK: I have got to do this for the record, anyone here from the public in reference to this? I guess not. Besides the applicant, that's it.

MR. LUCIA: Just a couple of technical questions. Will there be an undesirable change in the character of the neighborhood or detriment to nearby neighbors if the Board grants you a variance?

MR. PILLITERI: No.

MR. LUCIA: The result that you're seeking or could the result that you're seek be obtained by any other method other than a variance proceeding?

MR. PILLITERI: No.

MR. LUCIA: Are requested variances substantial in relation to the zoning requirements?

MR. PILLITERI: I don't understand the question.

MR. LUCIA: As a percentage of the side yard and rear yard requirements, are you seeking a very substantial variance from that?

MR. PILLITERI: No.

MR. LUCIA: The requested variance have an adverse effect on the neighborhood or detriment?

MR. PILLITERI: No.

MR. LUCIA: And you did not in any way contribute to the conditions which gave rise to this variance?

MR. PILLITERI: No.

MR. FENWICK: This is going to be quite high from the looks of things, you're going to be --

MR. NUGENT: I would say it was without that deck he's got one hell of a first step.

MR. BABCOCK: You would have to see the one that was existing before he took it down.

MR. FENWICK: I did, that was a builder that put that in.

MR. BABCOCK: I don't believe that he even went up

July 13, 1992

30

there to take it down. :

MR. FENWICK: I couldn't believe it when it was getting built. Any other questions?

MR. LUCIA: I'm set on everything.

MR. TANNER: I make a motion we accept the variance.

MR. NUGENT: I'll second it.

ROLL CALL:

Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Konkol	Aye
Mr. Fenwick	Aye

Date 7/3/92, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550**

TO Frances Ruth 389 Morris Ht Rd DR.
New Windsor NY 12550

DATE		CLAIMED	ALLOWED
7/32/92	Zoning Board Meeting	75 00	
	Minutes - 41 pgs	184 50	
	Anderson - 20 pages.	259 50	
	Sorkella - 5 " X		
	Pillitteri / Drennon - 6 " 27.00		
	Borden - 2 "		
	Food - 5 " Schmidt Fenwick, C.		

RETAKE
OF
PREVIOUS
DOCUMENT

Date 7/13/92, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550**

TO Frances Roth 389 Moores Hill Rd DR.
New Windsor NY 12550

DATE		CLAIMED	ALLOWED
7/22/97	Zoning Board Meeting	75 00	
	Minutes - 41 pgs	184 30	
	Anderson - 20 pages.	259 50	
	Sorkelson - 5 " X		
	Pillitteri / Drennon - 6 " 27.00		
	Borden - 2 "		
	Food - 5 " Schmidt Fenwick, C.		

PRELIMINARY HEARING: ~~P~~ILLITERI, JOSEPH:

MR. FENWICK: This is a request for 12 foot rear yard variance to construct deck at 104 Glendale Drive in an R-4 zone.

Joseph Filliteri came before the Board representing this proposal.

MR. FENWICK: Tell us your problem.

MR. FILLITERI: There is, I guess, the zoning law in New Windsor says you have to have 40 feet off the rear lot line and my house is 40 feet off the rear lot line. I bought the house, there was a deck there and I came to the Building Inspector to see what had to be done, told me the deck had to be ripped down. I bought the house as a foreclosure from the bank so I did whatever he asked. I ripped everything down. However, previously was on the lot built a huge deck back there 24 feet out from the house, 4 feet from the deck line, had a gigantic roof on it everything was built wrong so, you know, all I'd like to do is just put a deck up on the back of my house, that's all I'm looking for. I drew a little sketch, I believe he's got it there.

MR. LUCIA: That sketch raised a question, Mr. Filliteri, I noticed that the sketched indicated that the house itself was 13 feet 2 inches from the property line.

MR. FILLITERI: The side property line.

MR. LUCIA: Right, the zoning requirement there is 15 feet.

MR. FILLITERI: But the deck is over, it doesn't go all the way to the side of the house.

MR. LUCIA: I'm speaking of the house itself. Apparently the house was built in '74 from what I understand we would have had zoning so the house itself is maybe in violation. The reason I raised the question is we only --

MR. FILLITERI: You're not going to make me tear down

the house, are you?

MR. LUCIA: Apply for a variance on the house as well as the deck, if it needs one.

MR. FILLITERI: I haven't had no problems with the house. I have already closed on it, I have had everything done, I haven't seen any problems with the house.

MR. LUCIA: Problem is going to come up probably when you go to sell it.

MR. FILLITERI: I just bought it, it should have come from somebody else.

MR. TANNER: It doesn't cost you anymore money to get two variances.

MR. FILLITERI: That should have been brought up to the people who just sold the house, I just bought this house three weeks ago.

MR. LUCIA: I'm no way casting any reflection who touched this property before you. What I'm suggesting to you if you are going to make an application to the Zoning Board and there are two problems, I would suggest you handle both problems at the same time rather than ignoring one. I'm not saying the house is in violation, it may or may not be but based on your sketch, it appears that it may be. If that sketch is accurate, it behooves you to get an accurate survey, determine if in fact it has inadequate side yard.

MR. FILLITERI: I just had the survey done on the whole house was mapped out so it should tell me on there, I took those measurements so I'm not sure, you know, I'm going off a post that was sitting on the side.

MR. BABCOCK: This is the survey that was in their file, the prior, and it shows 13 foot 9. I'm not quite sure how they got a permit and C.O. back then but they did but they are explaining to you if you're here for the deck revise this and then you won't have any problem if you go to sell it.

MR. FILLITERI: I'll add that. I don't think it is cause I'm real close to her driveway.

MR. TORLEY: This will just cover you if you intend to sell it.

MR. BABCOCK: If the Chairman wants, I can revise the denial.

MRS. BARNHARDT: Are you going to revise the Notice of Denial?

MR. BABCOCK: Yes.

MRS. BARNHARDT: Can you do it right now?

MR. BABCOCK: Sure.

MR. TORLEY: Go on about the deck.

MR. FENWICK: Can you just take a look and see what the Certificate of Occupancy says?

MR. FILLITERI: If I come back and say they denied the house, what happens then?

MR. FENWICK: Go for an Article 78.

MR. KONKOL: This is mainly for your protection.

MR. TANNER: Don't worry about that.

MR. TORLEY: If you put in a request for two variances, the two variances can be granted separately.

MR. FILLITERI: I understand that.

MR. TORLEY: Tell me about the deck you want to put up.

MR. FILLITERI: I don't have, I gave them the only sketch, I'm not sure.

MR. TANNER: What is the size of the deck?

MR. FILLITERI: I believe it's 14 or 16 out, this is the deck area here, I outlined it, it comes 16 feet off the back of the house, it runs the length of the back of the house over here. It will be 6 feet off. This will just be a walkway from the master bedroom to walk out on this deck, this area here.

MR. TORLEY: Your sketch shows the back of the house is 44 feet from the line?

MR. FILLITERI: Right, that is what I pulled from the house to the, there's a fence back there and it leaves me, I believe, 28 feet when I am all done.

MR. TORLEY: I would suggest to you that you just had this surveyed?

MR. FILLITERI: Yes.

MR. TORLEY: When you come in, you have the survey chart because we have had in the past people have measured it themselves and not had the right numbers and really gets complicated.

MR. FILLITERI: Sure.

MR. FENWICK: You should have a copy of that somewhere. We are going to need to have photographs and whatnot, I'd like to see that again. Why do you want a deck this big; in other words, the 16 foot out, what is your justification for having a deck this big?

MR. FILLITERI: Just a normal size deck 16 feet you can put a lawn chair and a picnic table next to it, that's why I said 16 feet.

MR. FENWICK: These are the questions that have to be on the record. I'm not trying to pick you apart. You have got to give me a reason why that deck has to be that big for the record.

MR. FILLITERI: Okay.

MR. TORLEY: We're supposed to grant the smallest possible variance consistent with what you want to do so you have to show --

MR. FILLITERI: I took a tape measure and put a picnic table and lawn chair and gave enough room for somebody to walk around both of them and come up with 16 feet.

MR. TANNER: Anything smaller wouldn't really be useful.

MR. FILLITERI: If you want to put 14 feet just to have

a picnic table area, you wouldn't be able to put a lounge chair next to it. It's just the part of the --

MR. NUGENT: This part is narrower?

MR. FILLITERI: Right, that's just a walkway.

MR. BABCOCK: Just for the record, I have revised the agenda to also include a side yard area for the house requirements of 15, he has survey in the file proposes it's exactly 13.9 feet so he's going to need a variance of 1.1 feet.

MR. FENWICK: The survey in other words you're saying you do have a survey on --

MR. BABCOCK: Yes, on file.

MR. FENWICK: We already have that then that wouldn't be necessary.

MR. FILLITERI: You already have it then?

MR. LUCIA: If your survey shows something else, get together with Mike and work it out.

MR. FILLITERI: I'm pretty sure it was the same because they brought that up at the closing, the bank came and we had one, they were identical.

MR. FENWICK: Any other questions from the members? Motion to set him up for a public hearing?

MR. TANNER: So moved.

MR. NUGENT: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MRS. BARNHARDT: It's 12 foot rear yard variance to construct a deck and 1.1 foot side yard for the house.

MR. BABCOCK: Yes.

MR. LUCIA: This is an application for an area variance so when you come back, you need to establish something called practical difficulty. You do that by showing significant economic injury from the application of the ordinance to your lot, how it is the zoning ordinance is costing you money. You paid a certain value for this property, whatever you bought it for, foreclosure from the bank, whatever and the house had a deck on it that you probably thought was legal at that point, you also probably thought the side yard was legal so those presumptions on your part factored into whatever it is you decided to pay for this property. It turns out that you need a variance for the side yard and the house as well to put this size deck that you want to put on the house, show the Board why it is if you're not granted that variance it is going to cost you money, why you couldn't turn around and sell the house for at least as much as you paid for it, if you couldn't have a deck, if you had to shave part of the 1.1 feet off the side of the house.

When you come back, I'd like to see a copy of your deed, copy of your title policy, and I think the Board would like to see some photographs of the house showing the side that's relevant as well as the area where you're going to put the deck.

MR. FILLITERI: Okay, thank you.

MR. LUCIA: When you submit the application, same as the last applicant, you have to submit two checks, \$50 and \$250 both to the Town of New Windsor.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE:

5-14-92

#92-19

Prelim.
6/22/92
7:30 p.m.

APPLICANT:

JOSEPH PILLITTERI (owner)

104 GLENDALE

New Windsor NY 12533

~~NY Mortgage Servicing Corp.~~
~~130 Steamboat Rd.~~
~~Great Neck, N.Y. 11024.~~
5-14-92

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED

FOR (BUILDING PERMIT)

NOT ISSUED - FOR New Deck

LOCATED AT

104 GLENDALE Drive

ZONE

R-4

DESCRIPTION OF EXISTING SITE: SEC:

25

BLOCK:

4

LOT:

3

ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

INSUFFICIENT

REAR YARD SET-BACK FOR DECK

REVISED 6-22-92

TO ADD SIDE YARD FOR HOUSE
Frank J. M.

BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>G-10</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD. <u>HOUSE</u> <u>15'</u>	<u>13.9'</u>	<u>1.1'</u>
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD. <u>DECK</u> <u>40'</u>	<u>28'</u>	<u>12'</u>
REQ'D FRONTAGE		
MAX. BLDG. HT.		

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 5-14-92
FOR (BUILDING PERMIT) NOT ISSUED - FOR NEW DECK
LOCATED AT 104 GLENDALE Drive
ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 25 BLOCK: 4 LOT: 3
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT
REAR YARD SET-BACK FOR DECK

REVISED 6-22-92

TO ADD SIDE YARD FOR HOUSE
Frank J. ...
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u>	USE <u>G-10</u>		
MIN. LOT AREA			
MIN. LOT WIDTH			
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REQ'D SIDE YD. <u>HOUSE</u>	<u>15'</u>	<u>13.9'</u>	<u>1.1'</u>
REQ'D TOTAL SIDE YD.			
REQ'D REAR YD. <u>DECK</u>	<u>40'</u>	<u>28'</u>	<u>12'</u>
REQ'D FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEV. COVERAGE	%	%	%

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
[REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

914) 363-4630

CC: Z.B.A., APPLICANT, B.P. FILE

- 562-8200 Work.
561-1312. Home

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

N.Y.S. Mortgage Lending Corp.
Name of Owner of Premises MARY ANN + John Brennan
Address 104 Glendale Dr. NW Phone _____
Name of Architect NONE
Address _____ Phone _____
Name of Contractor NONE
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder Purchaser
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N.S.E.or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 25 Block 4 Lot 3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other _____
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? _____

AFTER CORRECTION.

ALL DESTROYED WORK MUST BE REINSPECTED

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
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6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
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Name of Owner of Premises MARY ANN + John Brennan
Address 124 Glendale Dr. N.W. Phone _____
Name of Architect NONE
Address _____ Phone _____
Name of Contractor NONE
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder Purchaser
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N.S.E. or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
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4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other _____
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? _____
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee 85.00
(to be paid on this application)
11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)



Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

Date.....19.....

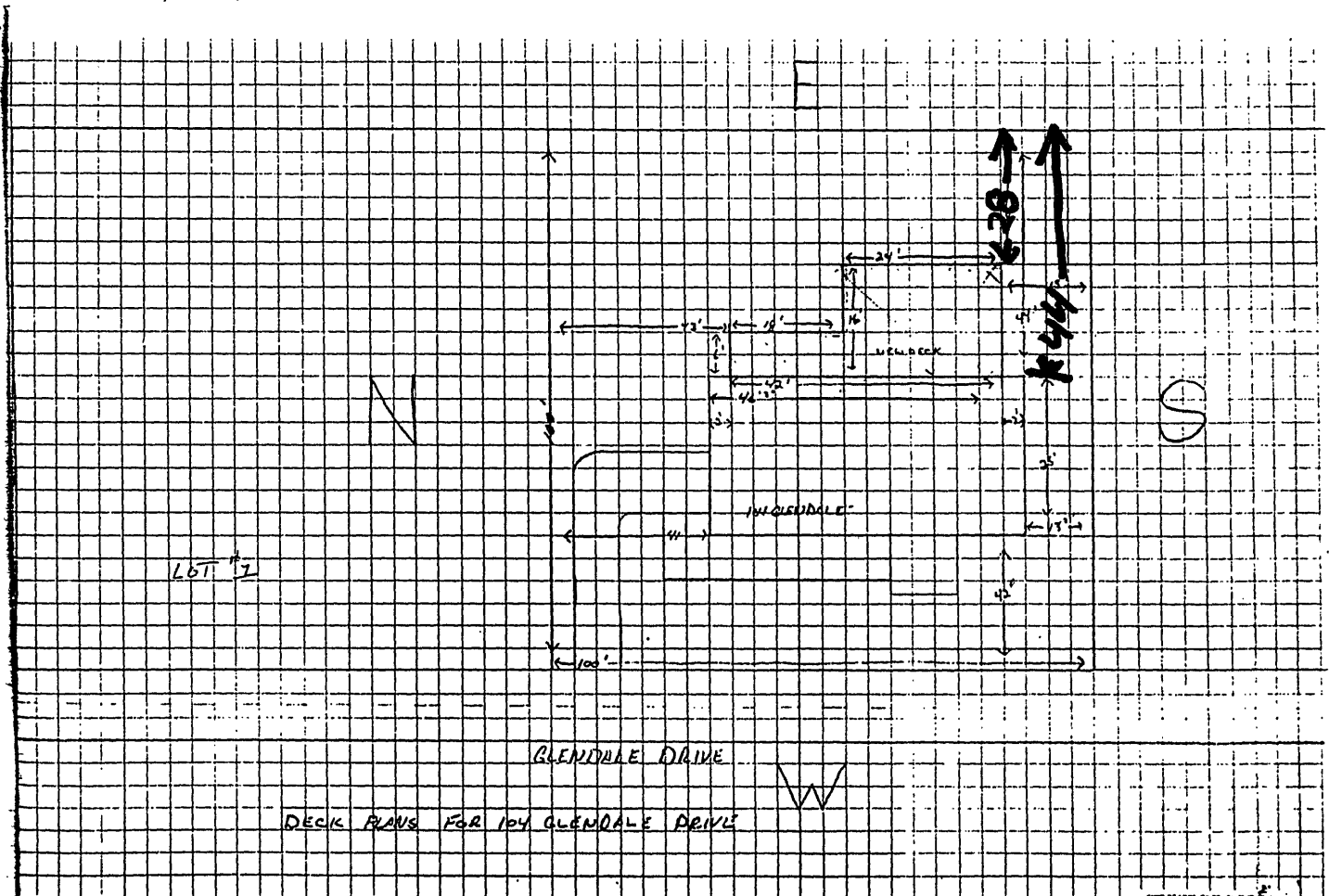
INSTRUCTIONS

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(Signature of Applicant)

(Address of Applicant)



ERIE AVE

LOT #1

N

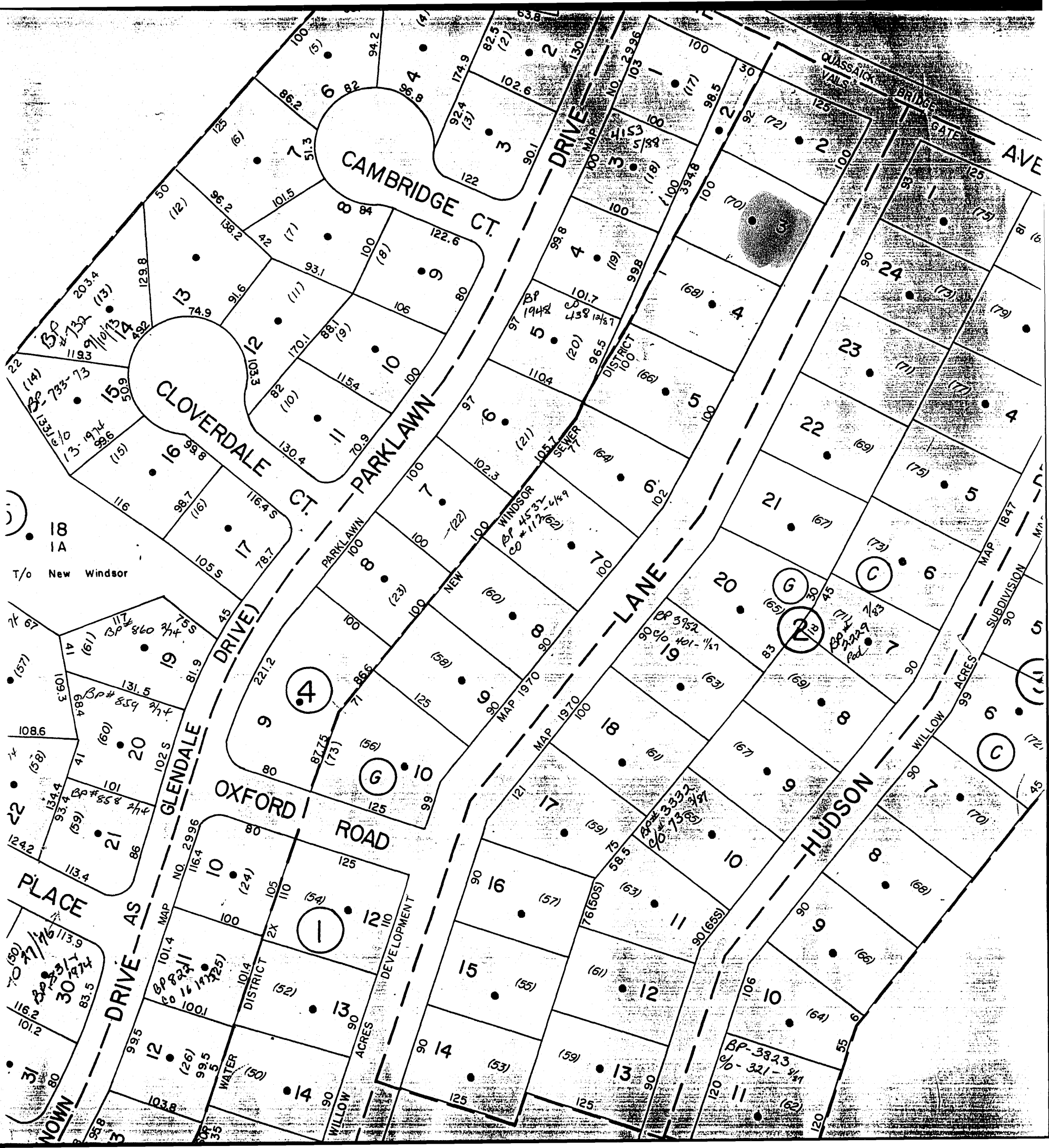
E

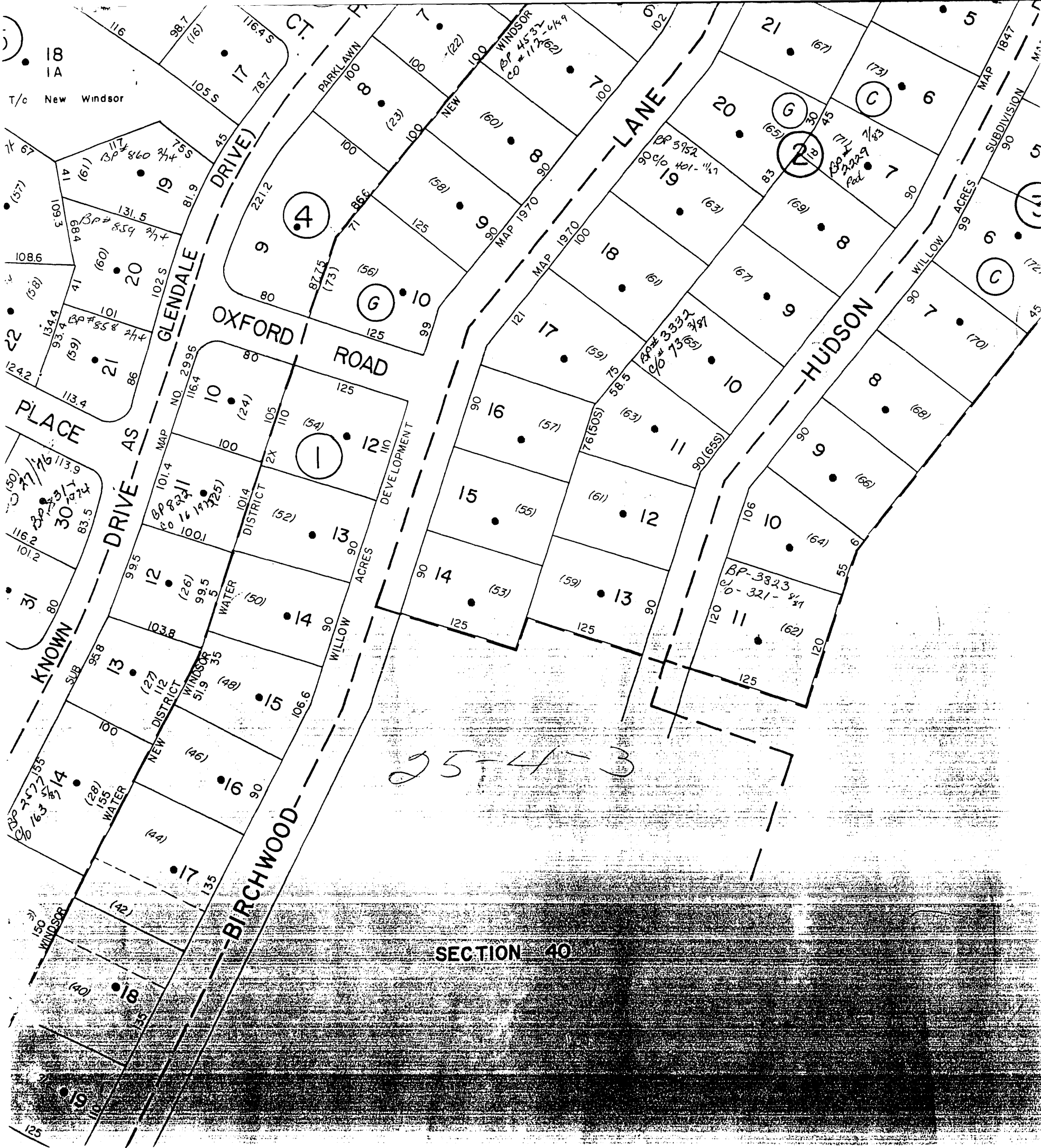
S

GLENDALE DRIVE

DECK PLANS FOR 104 GLENDALE DRIVE

W





SECTION 40

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 22nd day of May, nineteen hundred and ninety-twoBETWEEN
NEW YORK MORTGAGE SERVICING CORP.
130 STEAMBOAT ROAD
GREAT NECK, NY 11024

party of the first part, and

~~MARYANN DRENNAN~~ DRENNAN AND John T. Drennen, Jr.
ONA LANE
NEW WINDSOR, NY 12553, AS JOINT TENANTS,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly bounded and described as follows:

BEING known and designated as Lot No. 18 on a certain map entitled, Parklawn, made by Eustance & Horowitz, P.E. & L.S., dated October 11, 1972 and last revised Mar 21, 1973, and filed in the Orange County Clerk's Office on May 22, 1973, as Filed Map No. 2996. HENCE southerly at right angles to Eldridge Avenue 100.00 feet; Reserving to the party of the first part all rights, title and interest in and to any streets and roads abutting the above described premises, but granting an easement of ingress and egress until the same is dedicated as a public road or street. Being the same premises described in a certain recent survey as follows: Being Lot # 18 as shown on a map entitled, "Parklawn", filed in the Orange County Clerk's Office on May 22, 1973 as Filed Map Number 2996, being more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Glendale Drive (formerly known as Parklawn Drive) where the same is intersected by the dividing line between Lots # and #18 as shown on a map entitled, "Parklawn", filed map Number 2996. Said point being distant 103.00 feet on a course of South 36 degrees 39 minutes 52 seconds W along the southerly line of Glendale Drive from its intersection with the westerly line of Erie Avenue; and RUNNING THENCE (1) south 53 degrees 20 minutes 08 seconds East, 100.00 feet along the dividing line between Lots #17 and #18 to a point; THENCE (2) South 36 degrees 39 minutes 52 seconds West, 100.00 feet along a map entitled, "Section G-Willow Acres Development" to a point; THENCE (3) North 53 degrees 20 minutes 08 seconds West, 100.00 feet along the dividing line between Lots # 18 and # 19 as shown on the line of Glendale Drive to the point or place of BEGINNING.

Said premises also known and designated as: 104 Glendale Drive, New Windsor, NY

This conveyance has been made with the consent of the holders of at least two-thirds of the outstanding shares of the party of the first part entitled to vote thereon obtained at a meeting duly called.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

party of the first part, and

~~MARYANN DRENNAN~~ ^{DRENNAN} And John T. Drennen, Jr.
 ONA LANE
 NEW WINDSOR, NY 12553, AS JOINT TENANTS,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly bounded and described as follows:

BEING known and designated as Lot No. 18 on a certain map entitled, Parklawn, made by Eustance & Horowitz, P.E. & L.S., dated October 11, 1972 and last revised March 21, 1973, and filed in the Orange County Clerk's Office on May 22, 1973, as Filed Map No. 2996. HENCE southerly at right angles to Eldridge Avenue 100.00 feet; Reserving to the party of the first part all rights, title and interest in and to any streets and roads abutting the above described premises, but granting an easement of ingress and egress until the same is dedicated as a public road or street. Being the same premises described in a certain recent survey as follows: Being Lot # 18 as shown on a map entitled, "Parklawn", filed in the Orange County Clerk's Office on May 22, 1973 as Filed Map Number 2996, being more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Glendale Drive (formerly known as Parklawn Drive) where the same is intersected by the dividing line between Lots # 17 and #18 as shown on a map entitled, "Parklawn", filed map Number 2996. Said point being distant 103.00 feet on a course of South 36 degrees 39 minutes 52 seconds West along the southerly line of Glendale Drive from its intersection with the westerly line of Erie Avenue; and RUNNING THENCE (1) south 53 degrees 20 minutes 08 seconds East, 100.00 feet along the dividing line between Lots #17 and #18 to a point; THENCE (2) South 36 degrees 39 minutes 52 seconds West, 100.00 feet along a map entitled, "Section G-Willow Acres Development" to a point; THENCE (3) North 53 degrees 20 minutes 08 seconds West, 100.00 feet along the dividing line between Lots # 18 and # 19 as shown on the line of Glendale Drive to the point or place of BEGINNING.

Said premises also known and designated as: 104 Glendale Drive, New Windsor, NY

This conveyance has been made with the consent of the holders of at least two-thirds of the outstanding shares of the party of the first part entitled to vote thereon obtained at a meeting duly called.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

NEW YORK MORTGAGE SERVICING CORP.

BY:


 HUGH MILLER, PRESIDENT

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me
personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

55i

On the day of 19 , before me
personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF NASSAU

SS:

On the 22nd day of May 1992, before me personally came HUGH MILLER to me known, who, being by me duly sworn, did depose and say that he resides at No. 130 STEAMBOAT ROAD GREAT NECK, NY 11024 ; that he is the PRESIDENT of NEW YORK MORTGAGE SERVICING CORP.

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

55:

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. .

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

MONICA P. CONSTANCE
Notary Public, State of New York
No. 4912853
Qualified in Nassau County
Commission Expires November 16, 1993

Bargain and Sale Deed WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

NEW YORK MORTGAGE SERVICING CORP.

SECTION 25

BLOCK 4

LOT 3

COUNTY OR TOWN ORANGE

TO

MARYANN DRENNAN

RETURN BY MAIL TO:

Zip No.

Recording Office.

executed the same.

executed the same.

STATE OF NEW YORK, COUNTY OF NASSAU

ss:

STATE OF NEW YORK, COUNTY OF

ss:

On the 22nd day of May 1992, before me personally came HUGH MILLER to me known, who, being by me duly sworn, did depose and say that he resides at No. 130 STEAMBOAT ROAD GREAT NECK, NY 11024; that he is the PRESIDENT of NEW YORK MORTGAGE SERVICING CORP.

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ;

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

MONICA P. CONSTANCE
Notary Public, State of New York
No. 4912853

Qualified in Nassau County
Commission Expires November 16, 1993

Monica P. Constance
NOTARY PUBLIC

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

NEW YORK MORTGAGE SERVICING CORP.

SECTION 25

BLOCK 4

LOT 3

COUNTY OR TOWN ORANGE

TO

MARYANN DRENNAN

RETURN BY MAIL TO:

Zip No.

Reserve this space for use of Recording Office.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Mary Ann Drennen & Vick Drennen, Jr.

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#92-19.
-----x

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On June 30, 1992, I compared the 56 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
29th day of June, 1992.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

Pls. publish on. July 1st. Send bill to: Drennen
22 Onahane

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 19

Request of Mary Ann Drennen & Jack Drennen, Jr.
for a VARIANCE of

the regulations of the Zoning Local Law to
permit construction of rear deck w/ insufficient rear
yard and insufficient side yard for residential dwelling;
being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. Cols. F & G
for property situated as follows:

104 Glendale Drive, New Windsor, N.Y.
12553, known & designated as tax lot
Section 25 - Bk. 4 - Lot 3

SAID HEARING will take place on the 13th day of
July, 1992., at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Richard Fenwick
Chairman

By: Patricia A. Barnhart, Secy.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Rec'd. ZBA
6/29/91 (PAB)
(56)

June 24, 1992

Maryann Drennen
104 Glendale Dr.
New Windsor, NY 12553

Re: Variance List 500 ft./ 25-4-3

Dear Ms. Drennen:

According to our records, the attached list of property owners are within five hundred (500) ft. of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00. Please remit balance of \$50.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook / (CS)

LESLIE COOK
Sole Assessor

LC/cad
Attachment
cc: Pat Barnhart

Rainey, Alvin W. & Josephine
72 Birchwood Dr.
New Windsor, NY 12553

Cosgrove, Ann L.
70 Birchwood Dr.
New Windsor, NY 12553

Ellick, Irwin & Harvey L. & Charles J.
68 Birchwood Dr.
New Windsor, NY 12553

Corcoran, Kenneth I. & Cecilia
66 Birchwood Dr.
New Windsor, NY 12553

Bartel, Albin J. & Rose M.
64 Birchwood Dr.
New Windsor, NY 12553

Flanagan, Rose M.
62 Birchwood Dr.
New Windsor, NY 12553

Vanvoorhis, Robert J.
60 Birchwood Dr.
New Windsor, NY 12553

Grammar, Mark R.
58 Birchwood Dr.
New Windsor, NY 12553

Groff, Gordon B. & Eleanor S.
75 Birchwood Dr.
New Windsor, NY 12553

Metzger, Edwin J. & Kathleen A.
81 Hudson Dr.
New Windsor, NY 12553

White, James B. & Beverly
79 Hudson Dr.
New Windsor, NY 12553

Powles, Harold J. & Rita A.
77 Hudson Dr.
New Windsor, NY 12553

Dario, Anthony & Kathryn Anne
75 Hudson Dr.
New Windsor, NY 12553

Sciamanna, Dino J. & Eleanor
73 Hudson Dr.
New Windsor, NY 12553

Courtney, George T.
71 Hudson Dr.
New Windsor, NY 12553

Panzetta, John J. & Marjorie E.
69 Hudson Dr.
New Windsor, NY 12553

Nott, Bruce W. & Marie A.
Route 1 Box 480
Cold Spring, NY 10516

Smith, George J.
c/o John A. & Robert R. Smith
10 Parade Place
New Windsor, NY 12553

Smith, Wayne C. & Joan M.
63 Birchwood Dr.
New Windsor, NY 12553

Miller, Kenneth J. & Helen K.
65 Birchwood Dr.
New Windsor, NY 12553

Hartmann, Ingrid
67 Birchwood Dr.
New Windsor, NY 12553

Garofal, John B. & Kathleen
69 Birchwood Dr.
New Windsor, NY 12553

Solfaro, Anthony V. & Judith
71 Birchwood Dr.
New Windsor, NY 12553

Soricelli, John G. & Carol S.
73 Birchwood Dr.
New Windsor, NY 12553

Powles, Harold K.
80 Hudson Dr.
New Windsor, NY 12553

Quicksell, James & Barbara J.
78 Hudson Dr.
New Windsor, NY 12553

Bracco, Ralph J. & Linda
102 Glendale Dr.
New Windsor, NY 12553

Paul, Henry & Anna
106 Glendale Dr.
New Windsor, NY 12553

Suncoast Savings & Loan Association
4000 Hollywood Blvd.
North Tower
Hollywood, FL 33081-7979

Walborn, David P. & Jeanne M.
110 Glendale Dr.
New Windsor, NY 12553

Kochan, John T. & Makar, Maryann
112 Glendale Dr.
New Windsor, NY 12553

Chapman, David & Phyllis
114 Glendale Dr.
New Windsor, NY 12553

Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

Sweitzer, Keith L.
155 Erie Ave.
New Windsor, NY 12553

Durso, Frank A. & Maria C. &
Ciccarelli, Adeline A. & Thomas R.
101 Glendale Dr.
New Windsor, NY 12553

Hamlet, James T. & Dawson, Denise
202 Cambridge Ct.
New Windsor, NY 12553

Forzano, Michael & Laura
204 Cambridge Ct.
New Windsor, NY 12553

Bilyou, Gilbert A.
241 Union Ave.
New Windsor, NY 12553

Flamholtz, H. Michael & Karen
206 Cambridge Ct.
New Windsor, NY 12553

Clayton, Robert E. & Mary Ann
205 Cambridge Ct.
New Windsor, NY 12553

Pisani, Joseph & Leona
203 Cambridge Ct.
New Windsor, NY 12553

Ullman, Stuart & Gladys
201 Cambridge Ct.
New Windsor, NY 12553

Pfeifer, Valentine & Alenka
P.O. Box 4073
New Windsor, NY 12553

**McKinney, John &
Maureen McCallum
303 Cloverdale Court
New Windsor, NY 12553**

Brown, Howard C. Sr. & Jill
302 Cloverdale Ct.
New Windsor, NY 12553

Slepoy, Alan & Rene
304 Cloverdale Ct.
New Windsor, NY 12553

Epstein, Jefferey I. & Gail F.
306 Cloverdale Ct.
New Windsor, NY 12553

Rivera, Luis W. & Catherine M.
307 Cloverdale Ct.
New Windsor, NY 12553

Nolan, Robert E. & Carole T.
305 Cloverdale Ct.
New Windsor, NY 12553

Melville, Richard J. & Grace
301 Cloverdale Ct.
New Windsor, NY 12553

Coyle, Kevin & Susan Wazolek
2 Elm St.
New Windsor, NY 12553

Rizzuto, Louis J.
1 Elm St.
New Windsor, NY 12553

Kiperman, Boris & Alla
Elm St.
New Windsor, NY 12553

Consolidated Rail Corp.
Property Tax Dept.
P.O. Box 8499
Philadelphia, PA 19101

Masloski, Joseph M.
24 Lannis Ave.
New Windsor, NY 12553

Myhed Corporation
P.O. Box 1150
Newburgh, NY 12550

Congregation Agudas Israel Cemetery
290 North St.
Newburgh, NY 12550

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-19.

Date: 6/26/92.

I. ☒ Applicant Information:

- (a) Maryann Drennen 22 Ona La New Windsor, NY 12553 545-2045
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Richard Clarino 386 Broadway Newburgh 562-8877
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

☐ Use Variance

☐ Sign Variance

☒ Area Variance

☐ Interpretation

III. ☒ Property Information:

- (a) R-4 104 Glendale Drive N.W. S-25 100 x 100
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? B-04
- (c) Is a pending sale or lease subject to ZBA approval of this application? No.
- (d) When was property purchased by present owner? 5-27-92
- (e) Has property been subdivided previously? No.
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? N/A.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A.
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

N/A

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F & G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
✓ Reqd. Side Yd. <u>15 ft.</u>	<u>13.9 ft.</u>	<u>1.1 ft. (House)</u>
✓ Reqd. Rear Yd. <u>40 ft.</u>	<u>28 ft.</u>	<u>12 ft.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

✓ (b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

Without the granting of this variance the value of our house will be lessened. It would be very difficult to sell this house because there is a doorway on the second floor leading to no where. It is also extremely unsafe to have a doorway on the second floor without any means of departing. It would

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs. N/A

(c) ^{N/A} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. ^{N/A}

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

I am going to put up a deck that will be constructed in such a way that conforms to the neighborhood. It will enhance the beauty of the neighborhood.

✓ IX. Attachments required:

- X Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- X Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- Check in the amount of \$ 50.00 ~~250.00~~ payable to TOWN OF NEW WINDSOR.
- Photographs of existing premises which show all present

X. Affidavit.

Date: 6/26/92

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x *Maryann A. Drexler*
(Applicant)

Sworn to before me this

____ day of _____, 19____.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted ☐ Denied ☐

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)